

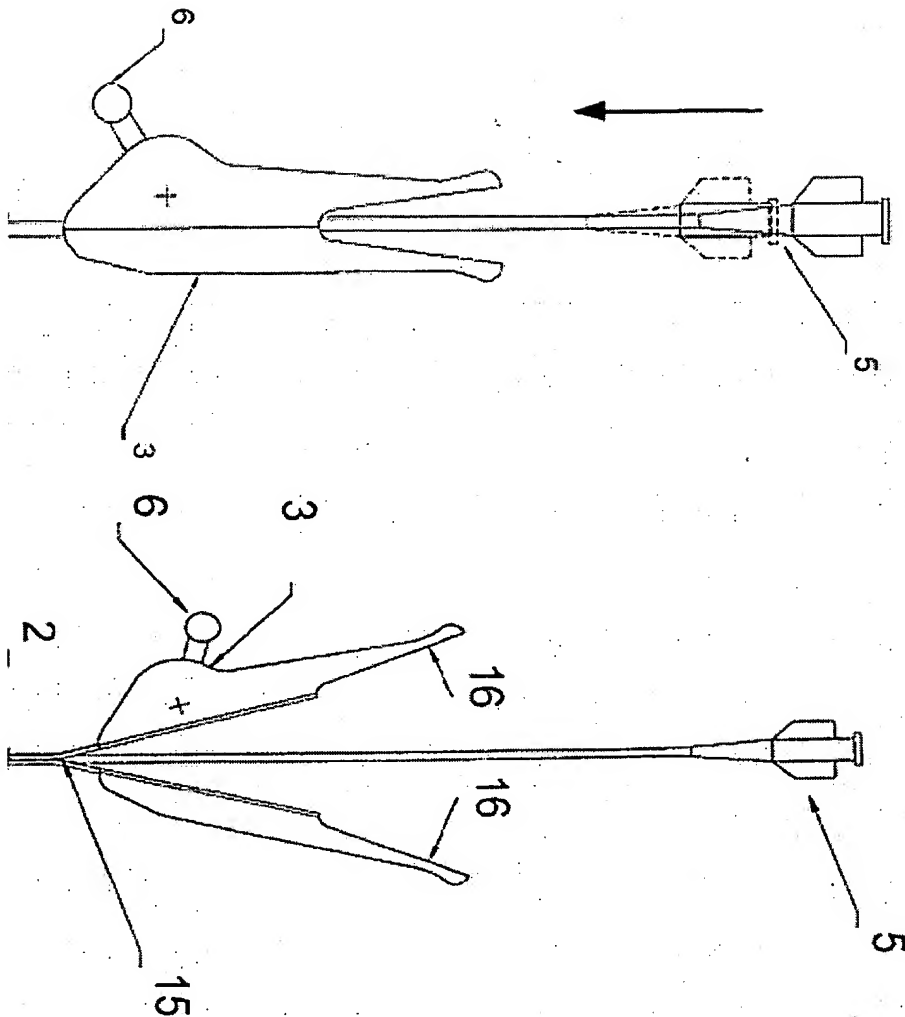
## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated June 18, 2008 (hereinafter Office Action) have been considered. Claims 1, 2, 4-8, 10-15, 24-31, 33-38, 40-42, 44, 45, 50 and 51 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 2, 4, 8, 15, 24-31, 33, 37, 42, 44, 45, 50, and 51 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,638,268 to Niazi (hereinafter “Niazi”) in view of U.S. Patent No. 4,586,923 to Gould et al. (hereinafter “Gould”) and U.S. Patent No. 6,408,214 to Williams et al. (hereinafter “Williams”) and U.S. Patent No. 6,485,455 to Thompson (hereinafter “Thompson”) and U.S. Patent No. 6,083,170 to Ben-Haim (hereinafter “Ben-Haim”) and U.S. Patent No. 5,409,469 to Schaerf (hereinafter “Schaerf”).

The Applicant’s independent claims 1 and 24 each recite some variation of a guide handle connected to the proximal end of the outer sheath, the guide handle comprising at least one longitudinally disposed pre-stress line aligned with the at least one longitudinally disposed pre-stressed line of the outer sheath, and at least two elongated separation grips aligned substantially parallel to the at least one longitudinally disposed pre-stress line of the guide handle, the guide catheter configured such that separation of the guide handle into at least two sections along the at least one longitudinally disposed pre-stress line of the guide handle initiates separation of the outer sheath along the at least one pre-stress line of the outer sheath.

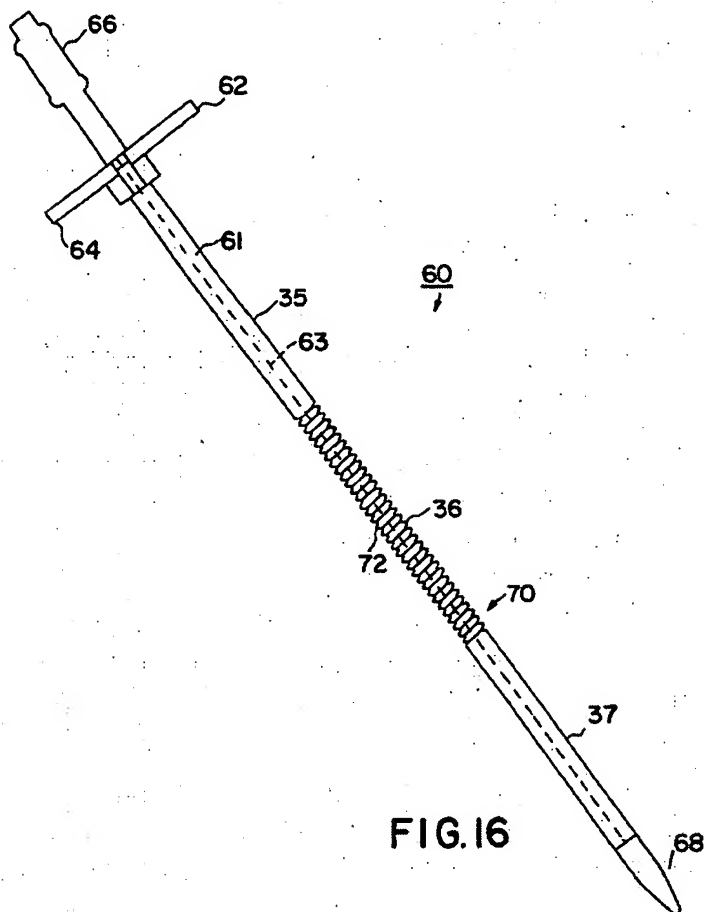
The Applicant’s Figures 1 and 5 provide an example of two elongated separation grips aligned substantially parallel to a longitudinally disposed pre-stress line of a guide handle and a longitudinally disposed pre-stressed line of an outer sheath aligned parallel to the pre-stress line of the guide handle:



In addressing the separation grip element aspect of the independent claims, the Office Action states:

Schaerf discloses a lead introducer having a longitudinally disposed pre-stress line (63) extending from the proximal end to the distal end (Col. 5, lines 25 - 45). Schaerf discloses the guide handle comprising separation grips (Col. 5, lines 30-32) aligned substantially parallel to the at least one longitudinally disposed pre-stress line (63) to facilitate separation of the guide handle in at least two sections to initiate separation of the outer sheath along the at least one pre-stress line. (Page 8).

The Applicant respectfully disagrees that Schaerf discloses elongated separation grips of a guide handle aligned substantially parallel to a longitudinally disposed pre-stress line of the guide handle. Col. 5, Lines 30-32, cited by the Examiner above, concerns Fig. 16 and discusses tabs 62 and 64 being used to separate a sheath 61 along line 63. The tabs 62 and 64, sheath 61 and line 63 are shown below in Fig. 16:



**FIG. 16**

As shown by Schaerf, the tabs 62 and 64 are orientated perpendicular to the separation line 63 running across the handle. Perpendicular orientation of elongated members is essentially the opposite of parallel orientation. One having ordinary skill in the art would not interpret the tabs 62 and 64 of Schaerf as being two elongated separation grips aligned substantially parallel to a longitudinally disposed pre-stress line of a guide handle in the manner claimed.

As such, the combination of Niazi, Gould, Williams, Thompson, Ben-Haim, and Schaerf fails to teach each and every element of independent claims 1 and 24. For this

reason, the Applicant respectfully submits that the rejection of these independent claims is improper and must be withdrawn.

Each of claims 2, 4, 8, 15, 25-31, 33, 37, 42, 44, 45, 50, and 51 depend from one of independent claims 1 and 24, respectively. Independent claims 1 and 24 are not obvious for at least the reason that the cited references fail to teach or suggest each and every limitation recited in each claim. Furthermore, while the Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 24. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Moreover, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Therefore, dependent claims 2, 4, 8, 15, 25-31, 33, 37, 42, 44, 45, 50, and 51 are not made obvious by Niazi, even in combination with Gould, Williams, Thompson, Ben-Haim, and Schaerf.

As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 1, 2, 4, 8, 15, 24-31, 33, 37, 42, 44, 45, 50, and 51 and notification that these claims are in condition for allowance.

Claims 5, 6, 34 and 35 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Niazi in view of Gould and Williams and Thompson and Ben-Haim and Schaerf as applied to claims 1 and 24, and further in view of U.S. Publication No. 2001/0039413 by Bowe (hereinafter "Bowe").

Each of claims 5, 6, 34 and 35 depend from one of independent claims 1 and 24, respectively. While the Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 24. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, consistent with *In re Fine*, dependent claims 5, 6, 34 and 35 are not made obvious by Niazi,

even in combination with Gould, Williams, Thompson, Ben-Haim, and Schaerf, and in further combination with Bowe.

As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 5, 6, 34 and 35 and notification that these claims are in condition for allowance.

Claims 7 and 36 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Niazi in view of Gould and Williams and Thompson and Ben-Haim and Schaerf as applied to claims 1 and 24, and further in view of U.S. Patent No. 6,533,770 to Lepulu et al. (hereinafter "Lepulu").

Each of claims 7 and 36 depend from one of independent claims 1 and 24, respectively. While the Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 24. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, consistent with *In re Fine*, dependent claims 7 and 36 are not made obvious by Niazi, even in combination with Gould, Williams, Thompson, Ben-Haim, and Schaerf, and in further combination with Lepulu.

As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 7 and 36 and notification that these claims are in condition for allowance.

Claims 11-14, 40, and 41 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Niazi in view of Gould and Williams and Thompson and Ben-Haim and Schaerf as applied to claims 1 and 24.

Each of claims 11-14, 40, and 41 depend from one of independent claims 1 and 24, respectively. While the Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 24. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore,

consistent with *In re Fine*, dependent claims 11-14, 40, and 41 are not made obvious by Niazi, even in combination with Gould, Williams, Thompson, Ben-Haim, and Schaerf.

As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 11-14, 40, and 41 and notification that these claims are in condition for allowance.

It is to be understood that the Applicant does not acquiesce to the Examiner's characterization of the asserted art or the Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to the Applicant's claimed subject matter. Moreover, the Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of the Applicant's invention, officially noticed facts, and the like. The Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in the Applicant's pending claims. The Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in the future.

Authorization is given to charge Deposit Account No. 50-3581 (GUID.038US01) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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Date: August 18, 2008

By:



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